

REMARKS

In response to the Office Action mailed on October 18, 2007, Applicants respectfully request reconsideration. Claims 1-11, 13, 16-31, 34-38 and 40 are now pending in this Application. Claims 1, 21, 24, 37 and 38 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 17, 19, 21, 24, 26, 35, 37 and 38 have been amended and claim 12 has been canceled. Claim 40 has been added. In addition, claims 1, 21, 24, 37 and 38 have been further amended to recite the original claim 17 limitations of a **module operable to include a plurality of threads**, support for which can be found in Applicants' Specification at lines 27-30, page 8. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Objection and Rejection of Claim 39

Claim 39 is has been rejected under 35 U.S.C. **§112** for failing to comply with the written description requirement. In addition, claim 39 has been objected to due to a minor informality. In this amendment, claim 39 has been canceled, thereby rendering the rejection moot. Therefore, withdrawal of the rejection is requested.

2. Rejection of Claims Under §101

Claims 24-31 and 34-36 have been rejected under 35 U.S.C. **§101** for being directed to non-statutory subject matter. Claim 24 is an independent claim and claims 25-31 and 34-36 depend on claim 24. Independent claim 24 has been amended to recite that its limitations are provided via **instructions on a computer readable storage medium**. Thus, claims 24-31 and 34-36 are no longer directed to software per se, as argued by Examiner. In light of the amendment, Applicants request withdrawal of the rejection.

3. Rejection of Claims Under §102

Claims 1-11, 13-18, 21 and 23-28 have been rejected under 35 U.S.C. **§102(b)**

as being anticipated by Silberschatz (hereinafter 'Schatz). Independent claims 1, 21 and 24 have been amended to recite limitations from previously presented dependent claim 12 that Examiner concedes is not taught by 'Schatz.

For the reasons stated above, Applicants submit that 'Schatz does not teach amended independent claims 1. By virtue of their dependency on claim 1, 'Schatz does not teach rejected claims 2-11, 13-18 as well. Additionally, amended independent claims 21, 24, 37 and 38 recite similar limitations as amended independent claim 1. 'Schatz thereby fails to teach claims 21, 24, 37 and 38 and all rejected claims that depend from claims 21, 24, 37 and 38.

Accordingly, the rejection under 35 U.S.C. §102(b) should be withdrawn. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited reference discloses the claim limitations as disputed above.

4. Rejection of Claims Under §103

Claim 39 has been rejected under 35 U.S.C. **§103(a)** as being unpatentable over 'Schatz in view of the fifth edition of the Microsoft Computer Dictionary (see PTO-892 of this Office Action) (hereinafter Dictionary). Claim 39 has been canceled. Withdrawal of the rejection is hereby requested.

5. Rejection of Claims Under §103

Claims 12, 19 and 20 have been rejected under 35 U.S.C. **§103(a)** as being unpatentable over 'Schatz in view of Flanagan (see PTO-892 of the Office Action mailed on April 20, 2007). Claim 12 has been canceled, however, limitations previously recited by claim 12 are now recited in amended independent claim 1, from which claims 19 and 20 depend.

Examiner concedes that 'Schatz fails to teach multiple subscriptions to a timer. To make up for the deficiencies of 'Schatz, Examiner cites Flanagan. However,

Flanagan discloses that all tasks scheduled to Flanagan's timer share a single thread, whereas Applicants' timer subscription contains an identity to a module **operable to include a plurality of threads.** (See pg. 536, ¶¶4) Thus, there is no motivation to combine the cited references so that Flanagan's timer receives a first and second subscription. Such a combination requires Flanagan's timer to schedule modules which themselves include a plurality of threads instead of sharing a single thread.

Thus, Applicants submit that the Examiner's 35 U.S.C. § 103(a) rejection of claims 12, 19 and 20 has been overcome, thereby placing the pending claims in condition for allowance. In particular, there is no motivation to combine the cited references. Withdrawal of the rejection is hereby requested. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited references disclose such a motivation.

6. Rejection of Claims Under §103

Claim 22 has been rejected under 35 U.S.C. **§103(a)** as being unpatentable over 'Schatz in view of Mann (U.S. Patent No. 6,644,772). However, since the tertiary reference Mann fails to make up for the deficiencies of 'Schatz, the reference Mann, alone or in combination with 'Schatz, does not teach or suggest independent claim 21, from which rejected claim 22 depends. Thus, Applicants request that Examiner's 35 U.S.C. § 103(a) rejection be withdrawn since claim 22 is not taught by Mann and 'Schtaz, alone or in combination, as well. If the rejection is to be maintained, Applicants request that it be pointed out with particularity where the cited references disclose the claim limitations as disputed above.

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Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/CJL/

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